

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

INGRID BUQUER, <i>et al.</i>,)	
)	
Plaintiffs,)	Cause No. 1:11-cv-0708-SEB-MJD
)	
v.)	
)	
CITY OF INDIANAPOLIS, <i>et al.</i>,)	
)	
Defendants.)	

MOTION FOR LEAVE TO AMEND ANSWER

Defendants Marion County Prosecutor in his official capacity and Johnson County Prosecutor in his official capacity (hereinafter “State Defendants”), by counsel, Betsy M. Isenberg, Deputy Attorney General, move the Court pursuant to Fed. R. Civ. P. 15 for leave to amend their answer to complaint and statement of defenses and in support show the Court:

1. Plaintiffs filed the complaint in this matter on May 25, 2011. (DE 1.)
2. On July 15, 2011, State Defendants filed their answer to complaint and statement of defenses to Plaintiffs’ complaint. (DE 86.)
3. The State Defendants and the State of Indiana, as a whole, have recently been made aware of the potential for litigation by the Department of Justice against the State of Indiana involving immigration legislation.
4. In addition, the United States has filed litigation against the States of Arizona and Alabama regarding legislation in those states touching upon immigration. *See United States v. Arizona*, 641 F.3d 339 (9th Cir. 2011); *United States v. Alabama, et al.*, United States District Court for the Northern District of Alabama, Cause Number 2:11-cv-02746 SLB.

5. Based upon these recent developments, it would be in the best interests of the parties and in the interest of efficiency to involve the United States in this litigation at this time, rather than subsequent litigation that may delay this matter and potentially involve the same issues and statutes.

6. Except for the addition of this defense, the proposed amended answer to complaint and statement of defenses contains no changes.

7. A copy of the proposed amended answer to amended complaint and statement of defenses is attached hereto.

8. Allowing the State Defendants to amend their answer at this time would not prejudice the Plaintiffs in their ability to prosecute this case because this case is still in the early stages.

9. A memorandum in support of State Defendants' motion is being filed contemporaneously.

WHEREFORE, State Defendants, by counsel, pray the Court to permit them to amend their answer as stated above and to grant all other just and proper relief.

Respectfully Submitted,

GREGORY F. ZOELLER
Attorney General of Indiana
Atty. No. 1958-98

By: s/Betsy M. Isenberg
Betsy M. Isenberg
Deputy Attorney General
Atty. No. 23856-71

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was filed electronically on this 11th day of October, 2011. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Angela Denise Adams
LEWIS & KAPPES
aadams@lewis-kappes.com

Robert H. Schafstall
CUTSINGER & SHAFSTALL
robhschafstall@gmail.com

Gavin M. Rose
ACLU of Indiana
grose@aclu-in.org

Linton Joaquin
National Immigration Law Center
Joaquin@nilc.org

Kenneth J. Falk
ACLE of Indiana
kfalk@aclu-in.org

Karen Tumlin
National Immigration Law Center
Tumlin@nilc.org

Jan P. Mensz
ACLU of Indiana
jmensz@aclu-in.org

Jennifer Lynn Haley
City of Indianapolis, Corporation Counsel
jhaley@indy.gov

Katherine Desormeau
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
kdesormeau@aclu.org

Justin F. Roebel
City of Indianapolis, Corporation Counsel
jroebel@indygov.org

Andre I. Segura
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
asegura@aclu.org

Lee Gelernt
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
legelernt@aclu.org

Cecillia D. Wang
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
cwang@aclu.org

Omar C. Jadwat
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
ojadwat@aclu.org

William W. Barrett
WILLIAMS HEWITT BARRETT & WILKOWSKI, LLP
wbarrett@wbwlawyers.com

Jose J. Behar
HUGHES SOCOL
jbehar@hsplegal.com

Matthew J. Piers
HUGHES SOCOL
mpiers@hsplegal.com

Joshua Karsh
HUGHES SOCOL
jkarsh@hsplegal.com

Shiu-Ming Cheer
NATIONAL IMMIGRATION LAW
CENTER
cheer@nilc.org

s/Betsy M. Isenberg
Betsy M. Isenberg
Deputy Attorney General

Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204
Telephone: (317) 232-6231
Fax: (317) 232-7979